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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,006	07/12/2005	Kenji Asakura	P28163	8733
52123 7590 04/09/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
GRAINGER, QUANA MASHELL				
ART UNIT		PAPER NUMBER		
2852				
NOTIFICATION DATE		DELIVERY MODE		
04/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/542,006

Applicant(s)

ASAKURA ET AL.

Examiner

Quana M. Grainger

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11, 17-19 and 25 is/are rejected.
- 7) ☒ Claim(s) 3-9, 14-16, 20-24 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Title

1. The new title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 11, 17-19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al. (2003/0086736A1).

Sekiguchi et al. teaches an image heating apparatus comprising a rotatable heat-producing medium that produces heat through action of magnetic flux; a magnetic flux generation section 1 that is located in proximity to said heat-producing medium and generates magnetic flux that acts upon said heat-producing medium; a magnetic flux adjustment section 6

that is located rotatably in said heat-producing medium, and has a paper passage area magnetic flux adjustment medium that adjusts magnetic flux acting upon a paper passage area of said heat-producing medium, and a paper non-passage area magnetic flux adjustment medium, with a different rotational phase from said paper passage area magnetic flux adjustment medium, that adjusts magnetic flux acting upon a paper non-passage area of said heat-producing medium; and a synchronization control section that controls magnetic flux generation timing of said magnetic flux generation section in synchronization with rotational phases of magnetic flux adjustment units of said magnetic flux adjustment section (Sekiguchi et al. teaches an internal magnetic heat generator 2; Sekiguchi et al. also teaches a core 6 that is divided into different sections as the magnetic flux adjuster [0060-0073]). The rotational speed of said magnetic flux adjustment section is different from rotational speed of said heated heat-producing medium (Sekiguchi et al. does not discuss the rotation of the adjuster, only the heat producing medium; [00081-0082]).

Sekiguchi et al. teaches an image heating apparatus comprising: a rotatable heat-producing medium that produces heat through action of magnetic flux; a magnetic flux generation section that is located in proximity to heat-producing medium and generates magnetic flux that acts upon said heat-producing medium; a temperature control section that controls said magnetic flux generation section and maintains a temperature of a surface of said heating medium in contact with a heated medium at a predetermined temperature; and a calorific value distribution adjustment section that selectively adjusts magnetic flux acting upon a predetermined area of said heat-producing medium and uniformizes calorific value distribution of said heat-producing medium [0060-0082].

Sekiguchi et al. does not teach an a magnetic flux generator positioned proximate to a first peripheral surface (outside of) of said heat-producing medium and generates magnetic flux that acts upon said heat-producing medium. The examiner takes official notice that it is known in the art to provide a magnetic flux generator positioned proximate to a first peripheral surface or outside of a heat-producing medium to generate magnetic flux (see previously cited documents).

It would have been obvious to one of ordinary skill in the art to use the teaching of Sekiguchi et al. with an image forming apparatus having a magnetic flux generator positioned outside a heat-producing medium.

Allowable Subject Matter

3. Claims 3-9, 14-16, 20-24, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12-13 and 26 are allowed.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Sekiguchi et al. teaches an internal magnetic heat generator 2 instead of an external flux generator 120 taught in the instant invention. Sekiguchi et al. also teaches a core 6 that is divided into different sections as in the instant invention with magnetic flux adjuster 116.

The claims remain rejected as discussed above.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quana M Grainger/
Primary Examiner, Art Unit 2852

QG